

# **Exhibit A**

**MILLER KORZENIK SOMMERS  
RAYMAN LLP**

Phone 212-752-9200

April 28, 2021

*Federal Tax I.D. No. 13-3336453*

Invoice #12652

Breaking Media, Inc.  
Attn.: John Lerner

FOR PROFESSIONAL SERVICES RENDERED: February 11, 2021 through April 15, 2021

		<u>Hours</u>
02/11/2021 DSK	Review emails from adverse counsel re subpoena. Review articles re pending Texas litigation. T/C's John and Joe re background and next steps (42min and 19min). Review subpoena apparently served on Feb 5 or later and review Jan5 submission to Tx Ct by Tauler/jower. Fwd to TK.	1.50
02/12/2021 TK	Review notice of deposition subpoena and federal rules re prospective motion to quash (.3).	0.30
02/12/2021 DSK	Received email from John L. Send reply. L/M John.	0.10
02/15/2021 ZMP	Outline points re FRCP 30(b)(6) and 45: review rules for timing and review meet and confer obligations; review WL for motions to quash and case law re meet and confer obligations, reasonable time for compliance case law (0.6); review SDNY misc. dockets re motions to quash; review ECF rules and SDNY local rules re the same (1.3); review WDTex docket for discovery deadlines (0.1).	2.00
02/15/2021 DSK	Review subpoena. T/C John Lerner (1.1hr), T/C ZP and TK. Rev notes and docs;	1.50
02/15/2021 DSK	Review notes and points in advance of phone call. T/C Tauler (adverse counsel). (41min); T/C ZP & TK re 30b6 and R45 and local rules. T.C Tauler.	1.20
02/15/2021 DSK	T/C John L. (31min)	0.50

**Breaking Media, Inc.**

02/15/2021 DSK	Prepare and draft Stipulation per disc w Tauler; Send stip to Tauler w note. Email reply from Tauler (back on this tomorrow am).	0.60
02/15/2021 TK	Review notice of deposition subpoena re bases for motion to quash (.3).	0.30
02/16/2021 TK	Review opposing counsel Robert Tauler email offering to speak tomorrow - i.e. day motion to quash would be due (.1). Email DSK re motion to quash (.1).	0.20
02/16/2021 DSK	Received email from adverse counsel at 3:13 pm that he would not extend our time or sign the stipulation that we had discussed. Disc w TK. T/C John Lerner. Work on preparation of Motion to Quash. Send email reply to Tauler. Emails to John L and Joe P. Email from Tauler. Work on draft motion and send rough to TK and ZP.	3.30
02/17/2021 ZMP	Review subpoena from Jowers to ATL; research USPS tracking number; draft short summary of timeline showing service was "presumptively unreasonable"; prepare as Exhibit C to DSK declaration ISO Motion To Quash	0.20
02/17/2021 ZMP	Research case law relating to "presumptively unreasonable" times to comply with Fed. R. Civ. P. 45 for inclusion in memo of law ISO Motion To Quash per TK request	1.20
02/17/2021 ZMP	Research case law relating to notice requirements under Rules 45 and 30(b)(6) for inclusion in memo of law sections discussion improper service of subpoena	0.30
02/17/2021 DSK	Prepare and send/serve motion papers on adverse counsel.	0.20

**Breaking Media, Inc.**

02/17/2021 DSK	Received email from John. Rev article re Tauler in Law.com. Send reply. T/C TK re brief points. Work on Motion to Quash; Email to Tauler. Email reply. Work on motion papers.	2.50
02/17/2021 TK	Draft procedural-service argument for memo of law in support of motion to quash (2.5). Review additional case law and facts in support of procedural arguments (.7).	3.20
02/17/2021 TK	Review draft DSK declaration and memo of law (2.0).	2.00
02/17/2021 DSK	Revise DSK Declaration. Revise Notice of Motion into final form. Revise Memo of Law and include refs to DSK Dec.	2.20
02/17/2021 DSK	Send email to John Lerner and Joe P. Reply from John. Email from John w photo of service dcuments just received at office. Rev info re cert mail delivery and send to John. TC John.	0.40
02/18/2021 ZMP	Finalize and file 7.1 statement, certificate of service and DSK appearance on ECF re Motion To Quash filing (0.4); T/C to SDNY Misc Docketing help desk to strike incorrectly filed certificate of service (0.0).	0.40
02/18/2021 ZMP	Review ruling from Judge Failla granting request re extension of time to supplement motion to quash (0.1); outline points re DSK declaration and memo of law that may need to be amended or supplemented, and outline strategy moving forward re T/Cs w/ DSK and TK (0.3).	0.40
02/18/2021 TK	Draft corporate disclosure for Breaking Media (.2). Draft service declaration (.1).	0.30
02/18/2021 TK	Review email from opposing counsel Robert Tauler re motion to quash (.1).	0.10

**Breaking Media, Inc.**

02/18/2021 TK	Review notices from court re motion to quash including assignment of case to Judge Failla (.1). Review Judge Failla order re permission to supplement motion papers (.1).	0.20
02/18/2021 DSK	Review Rule 7.1 Stmtnt; Prep and send email to John L to confirm. Reply from John re 7.1 OK; Received and review new court Order staying discovery and setting dates. Prep and send email to John L and Joe P re case status and papers filed.	0.60
02/18/2021 TK	Review judge order staying subpoena obligations and granting supplemental briefing (.1)	0.10
02/18/2021 TK	Review DSK notice of appearance and service certificate as filed (.1). Review DSK email to John Lerner and Joe Patrice (.1).	0.20
02/18/2021 DSK	Serve copy of judges Order on Tauler and his associates. Received acknowledgement of receipt from Tauler.	0.10
02/19/2021 DSK	Rev and evaluate email from Tauler re dep of Kinney. review reports on status of Texas action and discovery timing in that case. New email from Tauler. Fwd w note to John L and Joe P. w question. Reply from JL w answer. Send reply. Email from JL.	0.50
02/23/2021 DSK	Prepare for revision and supp to motion papers. Rev emails w Tauler. T.C John Lerner (44min) and review docs sent from JL. Send email to Tauler Reply from Tauler	0.90
02/24/2021 DSK	Rev docs in preparation for Meet and Confer w Tauler (adverse counsel). Disc approach to supp and M&C w TK. L/M voice message w Tauler. Send email to Tauler re M&C. Texts w RT. T/C R Tauler (21min^)^ T/c TK. Email to John L. T/C Tauler (ok to extension of week). Prepare stipulation. And send w note to Tauler and his associates for signature.	2.10

**Breaking Media, Inc.**

02/25/2021 ZMP	Review edits to letter motion re subpoena and briefing schedule and revise, finalize the same (0.2) revise Stipulation (0.3); email finalized copies of the same to partners to send to opp counsel before filing (0.0)	0.50
02/25/2021 DSK	Received email from adverse counsel (will sign stip this morning).	0.00
02/25/2021 ZMP	Draft letter motion in support of stipulation, requesting extension for time to supplement briefing schedule etc (0.9); email the same to TK and DSK for partner review per request (0.0). Research ECF rules and judge's individual practices for rules re filing stipulations and letter motions (0.2).	1.10
02/25/2021 DSK	Received email from Luca S w Stip signed by Tauler. Disc TK re status of motion and stip and letter to Court. Received and review draft letter to Court. Received So Ordered ECF notice. Send email to John and Joe w copy of the Order.	0.40
02/25/2021 TK	Review draft letter motion and stipulation re briefing motion to quash (.1). Review court order so-ordering parties' schedule (.1).	0.20
02/26/2021 DSK	Prep and send email to Tauler w copy of Order. Disc renewed motion w ZP. Received acknowledgement email from Taulers office. L/M John L.	0.20
02/26/2021 TK	Review opposing counsel email re court order on motion briefing (.1).	0.10
03/01/2021 TK	Review new Tauler motion in WDTX court for prospective inclusion in supplemental briefing to SDNY (.4).	0.40
03/01/2021 DSK	Plan and outline points for Supplement to motion per court order. T/C John L re approach to Supp of papers on motion (3 editorial items and one sponsored content). (21min billed as 0.3)	0.50

**Breaking Media, Inc.**

03/01/2021 TK	Draft outline of points for supplemental briefing re motivations for subpoena and Tauler rejection of modification (.2).	0.20
03/02/2021 DSK	Work on revised and supp motion papers.	0.20
03/03/2021 DSK	Work on drafting of the motion to quash - Supplement.	2.80
03/04/2021 ZMP	Draft Amended Notice of Motion To Quash; email to partners for review; revise the same; finalize and file (2.1)	2.10
03/04/2021 ZMP	Revise Lerner Declaration; email to partners for review; revise the same; finalize and file (1.5)	1.50
03/04/2021 ZMP	Revise Korzenik Declaration; review exhibits; email to partners for review; finalize and file (2.2)	2.20
03/04/2021 DSK	Draft and revise memo of law on renewed motion to quash and draft and revise declarations of DSK and JL. T/C JL. Revise JL Dec and send to JL. Edit and revise DSK Dec and Memo of law .Review and review Amended (6hrs plus billed as 5.1)	5.10
03/04/2021 TK	Review Kinney response to Tauler motion in WDTX court for prospective inclusion in supplemented motion to quash papers (.2).	0.20
03/04/2021 ZMP	Draft supplemental notice of motion and certificate of service for motion to quash	0.20
03/04/2021 ZMP	Revise Lerner Declaration to supplemented Motion To Quash	1.00
03/04/2021 TK	Review draft Lerner declaration in support of motion to quash (.2).	0.20
03/04/2021 TK	Review causes of action at issue in Kinney/Jowers WDTX action re factual background for updated memo of law in support of motion to quash (.3).	0.30

**Breaking Media, Inc.**

03/04/2021 TK	Revise amended memo of law in support of motion to quash (2.5).	2.80
03/05/2021 DSK	Send full set of papers to John Lerner w note. Rev Tauler applic Pro Has.	0.10
03/08/2021 ZMP	Review Judge Austin ruling in TX Litigation; research Fifth Circuit Rule 45 authority; research Second Circuit analog cases including Concord (SDNY) (draft brief summary and email to partners for inclusion in letter motion to court re Motion To Quash)	1.10
03/08/2021 TK	Review new Texas judge order warning Tauler about sanctions re prospective inclusion in reply (.1). Review John Lerner email re new Texas judge order (.1).	0.20
03/08/2021 TK	Review and reply to DSK emails re submission of Texas court ruling in support of motion to quash (.2).	0.20
03/08/2021 TK	Review Rule 45 relevance cases from 5th Circuit and SDNY (.2).	0.20
03/08/2021 DSK	Received email from John Lerner w info re new developments in underlying Texas action. Emails w TK re order. Received copy of order from John and review order to determine implications for our pending motion. Emails with John as to how we might bring it to the attention of Judge Failla and its potential relevance.	0.60
03/09/2021 DSK	Draft supplemental letter to Court re new order from Tx litigation (relates to our pending motion to quash).	0.70
03/09/2021 TK	Review email from court re appearance of opposing counsel in case (.1).	0.10
03/09/2021 TK	Review and reply to John Lerner and Joe Patrice emails re venue for dispositive motion - Texas v SDNY (.1).	0.10



**Breaking Media, Inc.**

03/10/2021 TK	Review letter to court re Texas warning against Tauler (.1). Revise draft letter (.5).	0.60
03/10/2021 DSK	Revise supp letter to Court. Send to TK.Review and revise. Letter Filed. Send copy to John L and Joe P. Emails with ZP	0.50
03/10/2021 ZMP	Revise, finalize and file letter in further support of motion to quash	1.60
03/11/2021 DSK	Received and review submission of Tauler to appear Pro Hac (check status of Tx admission that is issue in motion). Received Tauler Opp. (6:00pm^)	0.30
03/11/2021 TK	Review opposing counsel motions and affidavits re appearance in SDNY (.2). Draft notes re noncompliance with admission rules (.1).	0.30
03/11/2021 TK	Review Jowers motion, affidavit and exhibits in opposition to motion to quash (.3).	0.30
03/12/2021 DSK	Review and evaluate Tualer Opp to our motion. Email from John L re response from Tauler. Send emails to John re Opp filed by Tauler/Jowers. Work on outline of Reply points. Rev case on fees.	0.60
03/12/2021 TK	Review John Lerner email re Tauler opposition papers (.1).	0.10
03/12/2021 TK	Draft outline of reply points (.3).	0.30
03/12/2021 TK	Review and reply to John Lerner email re Tauler claims in opposition (.1).	0.10
03/12/2021 TK	Email ZP re Rule 45 case law for inclusion on reply (.1).	0.10
03/12/2021 TK	Review Judge Failla order re counsel's motion for pro hac vice (.1).	0.10
03/12/2021 ZMP	Research case law re award of attorneys' fees re Rule 45(d)(1) for inclusion in reply MTQ	0.40

**Breaking Media, Inc.**

03/16/2021 DSK	Work on Reply to Tauler Opp.	0.20
03/16/2021 TK	Continue drafting notes for reply points (.1).	0.10
03/16/2021 TK	Review latest news reports on Tauler and case ruling for potential inclusion in reply papers (.2).	0.20
03/17/2021 DSK	work on drafting the Reply.	0.30
03/18/2021 TK	Revise reply memo of law adding factual support and references to record (3.0).	3.00
03/18/2021 TK	Review judge rules requesting oral argument. Outline letter request.	0.10
03/18/2021 TK	Review judge rules re motion papers and court requirements (.1).	0.10
03/18/2021 ZMP	Revise and finalize reply memorandum of law; file via ECF; email copy to Tauler; draft and file certificate of service; review Judge KPF's rules re courtesy copies	0.80
03/18/2021 DSK	L/M voice message for John Lerner. Email from John. Send reply. Prep and send email status w copy of Reply Memo as filed	0.10
03/18/2021 DSK	Work on drafting fees section of brief and editing draft. Check on references and prior exhibits. Finalize draft for filing.	3.00
03/18/2021 ZMP	Research new Rule 45 subpoena case law for use in reply brief re motion to quash; review SEC v Collector's Coffee and email with brief summary to DSK and TK for review	0.70
03/19/2021 TK	TC/w DSK (.2).	0.20

**Breaking Media, Inc.**

03/19/2021 ZMP	Prepare courtesy copies for Judge Failla per individual rules (1.3); T/C with Acro Photo Printing to print, assemble and deliver courtesy copies (0.1); email all documents to Acro per TK instructions (0.3); subsequent email exchange with Acro re the same (0.2)	1.90
03/19/2021 DSK	Review and consider rules and need if any for oral argument. L/M voice message for John L re oral arg point. Email from John.	0.20
03/19/2021 TK	Review and reply to ZP emails re court courtesy copy requirements (.1).	0.10
03/24/2021 TK	Review Tauler appeal of TX magistrate judge decision re motion to compel Admissions Committee - papers in part grounded on same opposition as in our case (.2).	0.20
04/07/2021 TK	Draft outline of points for fee application and negotiation with opposing counsel (.2).	0.20
04/07/2021 TK	Review chambers email re decision and resolution of fees claims (.1). Review decision and order being posted later today (.4).	0.50
04/07/2021 ZMP	Review decision to grant motion to quash	0.20
04/07/2021 DSK	Received Judge KPF's 18 page ruling on our motions. Evaluate legal fees motion and approach..	1.10
04/07/2021 DSK	Preare email to John L and Joe P re ruling. T.C Joe and John. Prepare and send email to Emily Caron at Intact. Reply form Emily.	0.60
04/08/2021 DSK	Review decision and review billing and time to prep email to Tauler re resolution of fee assessment per the suggestion of the Court to counsel. Send email to Tauler. Reply from RT. T.C RT (suggests 100K in ads). L/M's John.	0.60
04/08/2021 TK	TC/w DSK re approach to settling fees awarded (.3).	0.30

**Breaking Media, Inc.**

04/08/2021 TK	Review email from opposing counsel Robert Tauler re M&C on resolution of fees (.1).	0.10
04/09/2021 DSK	Send email to John. note re offer from Tauler. T/C John (no go on ads; disc bill and approach (2min1 billed at 0.2)	0.30
04/09/2021 DSK	Review complete time charges to end of March. L/M Tauler.	0.30
04/10/2021 DSK	T/C Tauler (declined advertising idea; offered 30k-3k=27K at the 425 rate rather than 550 rate - the rate at which we wd apply if motion required) T/C Tauler decline as idea and offer 30k - 3k at lower rate	0.10
04/12/2021 DSK	Prep notes on call with Tauler re offer and calculaiton of offer. Prep info for motion if needed and check timing for filing of fees motion. T/C Tauler (now offers 200K in ads plus "some carve out for fees"). L/M John L. T/C John (11min (no go to 200k in ads; not connected; need to get compensation on the legal fees in this matter).	0.50
04/12/2021 TK	Draft outline re fee resolution proposal to opposing counsel and points for prospective application (.1).	0.10
04/13/2021 TK	Review time summary for prospective fees application (.1). Review email from Robert Tauler in response to proposal (.1). TC/w DSK re evaluation of Tauler email (.1).	0.30
04/13/2021 DSK	Prepare email memo to adverse counsel re offer on fee resolution. Recevied emails reply (off the wall). Fwd to John Lerner and T/C John. Prep and send response to Tauler. Reply from Tauler. Fwd to JL. Email from JL. Send reply.. Email from JL with points for response. Send reply and L/M JL.. T/C John on framing response to Tauler;	0.90

**Breaking Media, Inc.**

04/14/2021 DSK	Outline and draft response q's to Tauler. Send to John L for review and approval. Recieved reply w suggestion. Imput adjustment and send to Tauler. email from John. T/C John and end reply email re timing. T/C TK re timing and fee application (amy have to proceed with it since the "offer" looks like an effort to embroil us in litigation and waste more of our time.) Received strange email from Tauler indicating some escalation of the acrimony within the Texas case which seem to have no reasonable bearing on our own application and the subpoena.	0.80
04/15/2021 DSK	Review email from Tauler (of late last night). Fwd to John L w note about fee application. Email w TK re application and status of Tx case. Email from John. Disc TK re application.	0.30
04/15/2021 TK	Review email from Robert Tauler re prospect of settlement (.1). Review MWK v Jowers filings (.1). Review and reply to DSK email re evaluation of Tauler email (.1). Review John Lerner email re evaluation of Tauler email (.1).	0.40
04/15/2021 TK	Draft outline of points for fees motion against respondents' counsel (.2).	0.20
For Services Rendered		<hr/> 79.40 \$38,187.50
<b>DISBURSEMENTS</b>		
E102 - Outside printing		\$57.17
E112 - Court fees		\$49.00
		<hr/> \$106.17
Previous balance		<b>\$0.00</b>
Total amount of this bill		<u>\$38,293.67</u>
Balance due		<u><b>\$38,293.67</b></u>

**Breaking Media, Inc.****User Summary**

<b>Attorney</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
David S Korzenik	39.50	\$ 550.00	\$ 21,725.00
Terence P Keegan	20.10	\$ 425.00	\$ 8,542.50
Zachary M Press	19.80	\$ 400.00	\$ 7,920.00